

# Exhibit E

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF  
Various Accounts Stored at Premises  
Controlled by TextNow, Inc.

Case No. \_\_\_\_\_

**Filed Under Seal**

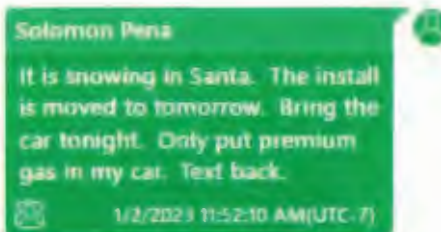
**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, John W. Howard, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a search warrant for information associated with certain accounts that is stored at premises owned, maintained, controlled, or operated by TextNow, Inc. (hereinafter, "TextNow"), a VoIP (Voice over Internet Protocol) service provider (*i.e.*, a wireless and/or electronic communications service provider) headquartered in Waterloo, Ontario, Canada, that accepts valid legal process in the United States at 1 Sutter Street, Unit 800, San Francisco, CA 94104, via email to lawenforcement@textnow.com. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require TextNow to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

67. Also on January 2, 2023, the day before the shooting at Senator Lopez's house, Residence 4, at approximately 1:00 a.m., *see* ¶¶ 33-39, *supra*, Peña text (505) 910-6492, TARGET ACCOUNT 3, about the use of his car.

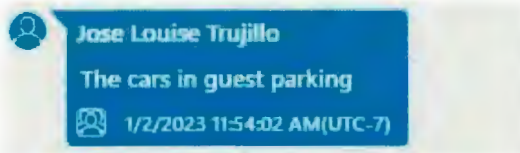


Solomon Peña

It is snowing in Santa. The install is moved to tomorrow. Bring the car tonight. Only put premium gas in my car. Text back.

1/2/2023 11:52:10 AM(UTC-7)

[Sources \(1\)](#)

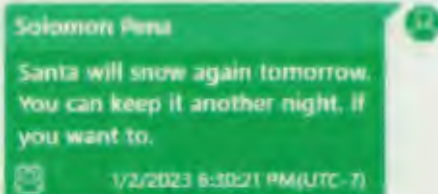


Jose Louise Trujillo

The cars in guest parking

1/2/2023 11:54:02 AM(UTC-7)

\* \* \*

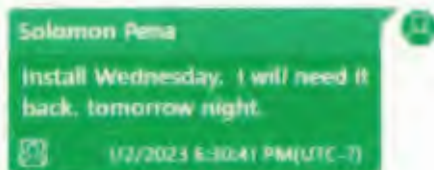


Solomon Peña

Santa will snow again tomorrow. You can keep it another night, if you want to.

1/2/2023 6:30:21 PM(UTC-7)

[Sources \(1\)](#)



Solomon Peña

Install Wednesday. I will need it back, tomorrow night.

1/2/2023 6:30:41 PM(UTC-7)

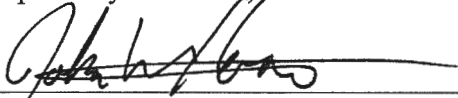
68. Based on the foregoing communications, and as more fully described below, there is probable cause to believe that the TARGET ACCOUNTS contain fruits, evidence, and instrumentalities of the offenses further described in Attachment B.

Unlawful Possession or Receipt of a Firearm or Ammunition by a Prohibited Person, 18 U.S.C. § 922(o), Transfer or Possession of Machinegun, and 18 U.S.C. § 924(c), Use of a Firearm During and In Relation to a Crime of Violence, as described in Attachment B, may be located in the TARGET ACCOUNTS, as described in Attachment A, which is incorporated herein by reference.

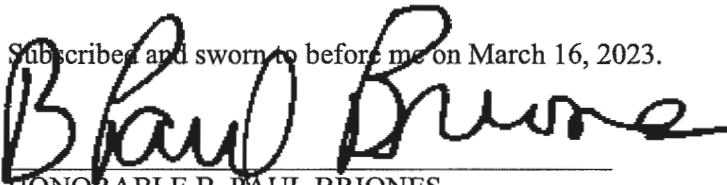
**REQUEST FOR SEALING**

116. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor fully known to all of the targets of the investigation, at least three of whom—Demetrio Trujillo, Rigo Vega, and Reydesel Vega—are not in custody (Solomon Peña and Jose Trujillo are in state custody). Accordingly, there is good cause to seal these documents because their premature disclosure may give targets an opportunity to flee/continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, notify confederates, or otherwise seriously jeopardize the investigation.

Respectfully submitted,

  
SA John W. Howard  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me on March 16, 2023.

  
HONORABLE B. PAUL BRIONES  
UNITED STATES MAGISTRATE JUDGE